REMARKS

Claims 7, 9-18 and 20-23 are pending in the present application. Claims 1-8 and 19 have been canceled. Claims 9, 10, 12 and 23 have been amended. These amendments add no new matter to the application. In view of the foregoing amendments, and remarks that follow, Applicant requests favorable consideration and timely indication of allowance.

In the Office Action mailed November 22, 2005, the Examiner objected to claim 12, rejected claims 9, 10 and 23 under 35 U.S.C. § 112 and rejected claims 9-18 and 20-23 under 35 U.S.C. §103(a) as being unpatentable over Eng et al. (U.S. patent no. 5,958,018) in view of the admitted prior art.

CLAIM 12

On page 2, paragraph 1, the Examiner objected to claim 12 stating "it is suggested to delete the second "whereby said foreign agent" in line 5. Claim 12 has been amended to conform to the Examiner's request.

CLAIMS 9, 10 and 23

On page 2 of the Office Action, the Examiner rejected claims 9, 10 and 23 under 35 U.S.C. § 112 as being indefinite to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9, 10 and 23 have been amended to conform to the Examiner's requests.

CLAIMS 9-18 and 20-23

The Examiner rejected claims 9-18 and 20-23 under 35 U.S.C. §103(a) as being unpatentable over Eng et al. in view of the admitted prior art (APA) (background art of the specification and figure 2)

CLAIMS 9 and 11

On page 3, the Examiner admits that the program memory 25 of Eng, which the Examiner asserts is a control point, is missing "the control point control[ling] the remote user's transmit power." The Examiner then states that "power control in a wireless system is well known in the art" citing paragraph [1003] of the present patent application. The Examiner then concludes that it would have been obvious to control the remote user's power to minimize interference between mobile stations in the system. The Examiner misstates the law of obviousness because the Examiner has failed to supply a suggestion to combine this missing feature with the program memory 25 of Eng. Nowhere does the Office Action disclose a suggestion in the prior art to combine "a control point controlling a remote user's transmit power" with the program memory of Eng 25. See MPEP 2143 "[T]here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."

Instead, "program module 25 . . . controls the operation of modules 26 and 27. . . . [M]odule 26 determines if the MAC frame from a mobile is addressed to a local application or is addressed to another mobile." See col. 7, line 63 to col. 8, line 6 of Eng. "For the latter case, the routing module reroutes the received cell to its destination via node switch 27." Col. 8, lines 47-49 of Eng. Col. 7, line 60 – col. 8, line 28 of Eng discloses only controlling MAC frames, i.e., controlling the flow of data. Thus, for all the reasons stated above, claims 9 and 11 are patentable over Eng and the prior art.

CLAIM 11

Furthermore, claim 11 discloses "a plurality of routers" and "each of said plurality of network access points being configured to communicate with at least two of said plurality of routers." These features are not found in Eng. Although the Examiner admits that Eng does disclose "a plurality of routers communicating with the access points," the Examiner argues that "routers for routing data packets from one access point to another access point are well known in the art." Then Examiner then concludes that it would have been obvious "to route the data packets from one network to another . . ." Again, the Examiner misstates the law of obviousness. Nowhere does the Office Action disclose a suggestion in the prior art to combine "a plurality of routers" with the program memory of Eng 25 which the Examiner asserts is a control point. *See* MPEP 2143. Furthermore, even if there were such a suggestion in the prior art, all the elements of claim 11 would still not be disclosed. Claim 11 discloses that "each of said plurality of network access points being configured to communicate with at least *two* of said plurality of routers." (emphasis added) The Office Action does not assert that this feature is obvious in light of Eng and the prior art. Thus, for all the reasons stated above, claim 11 is patentable over Eng and the prior art.

CLAIM 10

With respect to claims 10, the Examiner argues on page 4, 5 and 6 that "the table of FIG. 5 is contained within each routing module of each AP and thus acts as a co-located foreign agent for roaming mobiles . . ." However, the Examiner next admits that "Eng does not disclose the control point controls the remote user's transmit power and encapsulating the data. The Examiner then states that "[t]he APA, paragraph 1003, discloses the controlling of power transmitted by the user terminal and paragraph 1007 discloses encapsulating/decapsulating. The Examiner concludes that it would have been obvious to control the remote user's transmit power and decapsulating the data to minimize interference and to extract data from the encapsulated packets. Once again the Examiner has misstated the law of obviousness. *See* MPEP 2143. As

stated above, nowhere does the Office Action disclose a suggestion in the prior art to combine "a control point controlling a remote user's transmit power with the program memory of Eng 25.

Furthermore, "the table of FIG. 5 is not a "foreign agent" because it does not de-capsulate packets of said data as disclosed in claim 10. Although the Examiner argues that because de-capsulating is well known in the art, nowhere does the Office Action disclose a suggestion in the prior art to combine the table of FIG. 5, which the Examiner asserts is a foreign agent, with de-capsulating data.

Furthermore, as discussed below with respect to claim 23, in Eng the access point that the mobile is associated with switches when it leaves a coverage area served by a first AP, AP 21-2, and enters a coverage area served by another AP, AP 21-3, thus causing the home IP address to change. Col. 6, lines 22 – 33 of Eng. This teaches away from using a home agent and a foreign agent which maintain a static home address. Thus, for all the reasons stated above, claim 10 is patentable over Eng and the prior art.

CLAIM 12

With respect to claim 12, the Examiner admits that Eng does not disclose a router or a foreign agent which de-capsulates data. The Examiner then states that both are well known in the art. The Examiner then concludes that it would have been obvious to use a router to route data and de-capsulate data. However, as stated above, nowhere does the Office Action disclose a suggestion in the prior art to combine the table of FIG. 5 which the Examiner asserts is a foreign agent with encapsulating data. *See* MPEP 2143. Furthermore, as stated with respect to claim 10, Eng teaches away from using a foreign agent. In addition, the Office Action does not disclose a suggestion in the prior art to combine a router with the table of FIG. 5. Also, nowhere does the Office Action disclose a suggestion in the prior art to combine "a plurality of routers" with the program memory of Eng 25, which the Examiner asserts is a control point. Thus, for all the reasons stated above, claim 12 is patentable over Eng and the prior art.

CLAIM 13

The Examiner begins by admitting that Eng does not disclose a "home agent encapsulates said data in packets destined to a current care-of-address of said remote user" as disclosed in claim 13. The Examiner then concludes that since the prior art discloses a home agent encapsulating data, it would have been obvious to associate a home agent with a router and encapsulate the data. However, the Examiner misstates the law. Nowhere does the Office Action disclose a suggestion in the prior art to combine a home agent and a router with the program memory of Eng 25, which the Examiner asserts is a control point. *See* MPEP 2143.

Furthermore, Eng teaches away from using a home agent. *See* MPEP 2145 "It is improper to combine references where the references teach away from their combination." Encapsulation refers to a process of enclosing an original datagram as data inside another datagram with a new IP header. Upon receiving the encapsulated datagram, the foreign agent strips off an outer header to reveal the original datagram and delivers it to the mobile unit 130 on the foreign subnet. See U.S. pat no. 6,535,493 B1 col. 6, lines 35-49.

Instead, in Eng if a "received MAC frame is addressed to [a] mobile served by another AP" and the address is "stored in the translation table", the MAC frame is passed to "conventional AAL5 software, which then segments the frame into cells and forwards each cell, in turn, to the routing module software [which] appends the routing information to each cell it receives from the AAL5 module and delivers the result to the AHAL (ATM Hardware Abstraction Layer) software module." col. 8, lines 33- 43. The routing module reroutes the received cell to its destination via node switch 27. col. 8, lines 47-49. Thus, Eng does not encapsulate said data as disclosed in claim 13, but instead, segments the frame. Since Eng does not disclose all the features of claim 13, claim 13 is patentable over Eng.

Furthermore as discussed below with respect to claim 23, in Eng the access point that the mobile is associated with switches when it leaves a coverage area served by a first AP, AP 21-2, and enters a coverage area served by another AP, AP 21-3, thus causing the home IP address to change. Col. 6, lines 22 – 33 of Eng. This teaches away from using a home agent

and a foreign agent to maintain a static home address. Thus, for all the reasons stated above, claim 13 is patentable over Eng and the prior art.

CLAIMS 14-17

The Examiner admits on page 7 that "Eng does not specifically disclose the control point controls the remote user's transmit power." The Examiner then states that "power control in a wireless system is well known in the art citing paragraph [1003] of the present patent application." The Examiner then concludes that it would have been obvious to control the remote user's power to minimize interference between mobile stations in the system. As stated above with respect to claim 9, the Examiner misstates the law of obviousness. Nowhere does the Office Action disclose a suggestion in the prior art to combine a control point controlling a remote user's transmit power with the program memory of Eng 25, which the Examiner asserts is a control point. *See* MPEP 2143. Thus, for all the reasons stated above, claim 14 is patentable over Eng and the prior art.

With respect to claim 16, the Examiner cites col. 8, lines 43-49 of Eng and states "whereby switching the cell to the appropriate node, the control point has effectively switched control to the remote servicing AP's control point." See page 8 of the Office Action. Applicant respectfully disagrees with the Examiner's interpretation of Eng. In col. 8, lines 43-49, it states that a "routing module reroutes the received [ATM} cells [or data] to its destination via node switch 27." Thus, data is switched or routed by node switch 27. However, the control discussed in claim 16 is the control of the access point, not just the control of the flow of data. Since Eng does not disclose all the features of claim 16, claim 16 is patentable over Eng. Furthermore, claim 16 should be allowed because it depends on allowable claim 14.

Claims 15 and 17 are allowable because they depend on allowable claim 14.

CLAIMS 18, 20-21

On page 8, the Examiner argues that Eng discloses all the features of claim 18 including "the control point controlling the transmitting network access point is not co-located with said transmitting network access point." For support, the Examiner cites figures 2 and 22 of Eng stating "since each AP has its own control point co-located with it, and the remote servicing AP controls the remote mobile, the control point is not co-located with the transmitting network access point, it is collocated with the remote servicing AP." Even if it is assumed that what the Examiner states is correct, i.e., that the remote servicing AP controls the remote mobile, this does not mean that the transmitting network access point is controlled by a control point not co-located with it.

Next, the Examiner admits on page 8 that "Eng does not specifically disclose the control point controls the remote user's transmit power." The Examiner then states that "power control in a wireless system is well known in the art citing paragraph [1003] of the present patent application." The Examiner then concludes that it would have been obvious to control the remote user's power to minimize interference between mobile stations in the system. As stated above with respect to claims 9 and 14, the Examiner misstates the law of obviousness. Nowhere does the Office Action disclose a suggestion in the prior art to combine a control point controlling a remote user's transmit power with the program memory of Eng 25, which the Examiner asserts is a control point. *See* MPEP 2143. Since Eng does not disclose all the features of claim 18, claim 18 is patentable over Eng.

With respect to claim 20, the Examiner cites col. 8, lines 43-49 of Eng and states "whereby switching the cell to the appropriate node, the control point has effectively switched control to the remote servicing AP's control point." See page 8 of the Office Action. Applicant respectfully disagrees with the Examiner's interpretation of Eng. In col. 8, lines 43-49, it states that a "routing module reroutes the received [ATM} cells [or data] to its destination via node switch 27." Thus, data is switched or routed by node switch 27. However, the control discussed in claim 20 is the control of the access point, not just the control of the flow of data.

Since Eng does not disclose all the features of claim 20, claim 20 is patentable over Eng. Furthermore, claim 20 should be allowed because it depends on allowable claim 18.

Claim 21 is allowable because it depends on allowable claim 20.

CLAIMS 22-23

Claim 22 discloses "a plurality of routers" and "each of said plurality of network access points being configured to communicate with at least two of said plurality of routers." These features are not found in Eng. Although the Examiner admits that Eng does not disclose "the control point controls the remote user's transmit power and the system comprising a plurality of routers communicating with the access points," the Examiner argues that "power control in wireless system and routers for routing data packets from one access point to another access point are well known in the art." Then Examiner then concludes that it would have been obvious "to control the remote user's transmit power and to route the data packets from one network to another . . ." Again, the Examiner misstates the law of obviousness. Nowhere does the Office Action disclose a suggestion in the prior art to combine "a plurality of routers" with the program memory of Eng 25 which the Examiner asserts is a control point. *See* MPEP 2143. Furthermore, even if there were such a suggestion in the prior art, all the elements of claim 22 would still not be disclosed. Claim 22 discloses that "each of said plurality of network access points being configured to communicate with at least *two* of a plurality of routers." (emphasis added) The Office Action does not assert that this feature is obvious in light of Eng and the prior art.

In addition, nowhere does the Office Action disclose a suggestion in the prior art to combine a control point controlling a remote user's transmit power with the program memory of Eng 25, which the Examiner asserts is a control point. See MPEP 2143. Thus, for all of the reasons stated above, claim 22 is patentable over Eng and the prior art.

Claim 23 is allowable because it depends on allowable claim 22. In addition, claims 23 is allowable for a second reason. The Examiner admits that claim 23 does not disclose a home agent associated with the router and the home agent encapsulates said data in said packets

destined to a current care-of-address of said remote user. The Examiner then concludes that since the prior art discloses a home agent encapsulating data, it would have been obvious to associate a home agent with a router and encapsulate the data. However, the Examiner misstates the law. Nowhere does the Office Action disclose a suggestion in the prior art to combine a home agent and a router with the program memory of Eng 25, which the Examiner asserts is a control point. *See* MPEP 2143.

Furthermore, as stated above, Eng teaches away from using a home agent. *See* MPEP2145. In Eng, if a "received MAC frame is addressed to [a] mobile served by another AP" and the address is "stored in the translation table", the MAC frame is passed to "conventional AAL5 software, which then segments the frame into cells and forwards each cell, in turn, to the routing module software [which] appends the routing information to each cell it receives from the AAL5 module and delivers the result to the AHAL (ATM Hardware Abstraction Layer) software module." col. 8, lines 33- 43. The routing module reroutes the received cell to its destination via node switch 27. col. 8, lines 47-49. Thus, Eng does not encapsulate said data as disclosed in claim 23, but instead, segments the frame.

Furthermore, in Eng the access point that the mobile is associated with switches when it leaves a coverage area served by a first AP, AP 21-2, and enters a coverage area served by another AP, AP 21-3, thus causing the home IP address to change. Col. 6, lines 22 – 33 of Eng. This teaches away from using a home agent and a foreign agent to maintain a static home address as discussed below. Thus, for all the reasons stated above, claim 23 is patentable over Eng and the prior art.
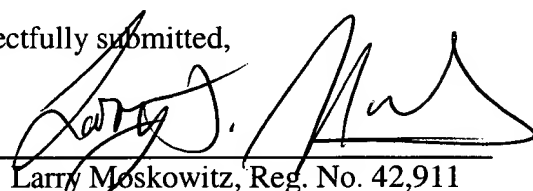
REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Dated: 2/21/06

Respectfully submitted,

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